



# CITY OF BLUE LAKE

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DATE: April 22, 2021

FROM: Amanda Mager, City Manager  
Garry Rees, City Planner

TO: Blue Lake City Council

**RE: Amendment of Title 17 (Zoning) of the Blue Lake Municipal Code to impose noise standards throughout the City and remove the individual noise performance standards from several zoning classifications including Retail Commercial (RC), Mixed-Use (MU), Light Industry (ML), and Industrial (M)**

From April 2020 to August 2020, city staff and the Planning Commission worked on developing City-wide noise standards. The proposed noise standards are intended to protect sensitive receptors (e.g., residences) and provide objective standards for when noise would be considered excessive or unreasonable. At the August 24, 2020 Planning Commission meeting, the Commission adopted Resolution No. 5-2020, which contained its recommendations for amendment of Title 17 (Zoning) of the Municipal Code to add Section 17.24.280 (Noise Standards) to create City-wide noise standards. The Planning Commission recommendation in Resolution No. 5-2020 also proposed amendment of Title 17 (Zoning) to remove the individual noise performance standards in several zoning classification including Retail Commercial (RC), Mixed-Use (MU), Light Industry (ML), and Industrial (M). Land uses in these zones would instead be subject to the noise standards in proposed Section 17.24.280.

At the October 27, 2020 City Council meeting, the Council received the recommendations from the Planning Commission for amendment of Title 17 (Zoning) of the Municipal Code to create City-wide noise standards. From October 2020 to February 2021, the City Council made minor modifications to the Planning Commission recommendation for the O zone that were previously considered by the Planning Commission. The City Council conducted a public hearing to receive public input and concluded its review of the Planning Commission recommendation at their February 9, 2021 meeting.

This item is scheduled for hearing at the April 27, 2021 City Council meeting for the Council to introduce and conduct the first reading, by title only, of Ordinance 540 (see attached), an Ordinance of the City Council of the City of Blue Lake Amending Title 17 of the Blue Lake Municipal Code to Impose Noise Standards Throughout the City of Blue Lake and Remove the Individual Noise Performance Standards from Several Zoning Classifications Including Retail Commercial (RC), Mixed-Use (MU), Light Industry (ML), and Industrial (M).

**RECOMMENDATION:**

Staff recommends that the City Council:

- 1) Receive a report from staff about Ordinance 540.
- 2) Open the public hearing and take public testimony.
- 3) Close the public hearing.
- 4) Introduce and perform the first reading of Ordinance 540 by title only.
- 5) Continue the public hearing to the May 11, 2021 City Council meeting for the second reading and adoption of Ordinance 540.

## **ORDINANCE NO. 540**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLUE LAKE AMENDING TITLE 17 OF THE BLUE LAKE MUNICIPAL CODE TO IMPOSE NOISE STANDARDS THROUGHOUT THE CITY OF BLUE LAKE AND REMOVE THE INDIVIDUAL NOISE PERFORMANCE STANDARDS FROM SEVERAL ZONING CLASSIFICATIONS INCLUDING RETAIL COMMERCIAL (RC), MIXED-USE (MU), LIGHT INDUSTRY (ML), AND INDUSTRIAL (M)**

**WHEREAS**, pursuant to its broad police powers, the City Council of the City of Blue Lake is authorized to adopt reasonable regulations governing the use of real property within the City of Blue Lake;

**WHEREAS**, pursuant to the California Noise Control Act of 1973 (Health and Safety Code § 46000 et seq.), the City is authorized to adopt and enforce noise regulations;

**WHEREAS**, as found and declared by the Legislature, and as confirmed by the City Council:

- (a) Excessive noise is a serious hazard to the public health and welfare;
- (b) Exposure to certain levels of noise can result in physiological, psychological, and economic damage;
- (c) There is a continuous and increasing bombardment of noise in the urban, suburban, and rural areas;
- (d) The City of Blue Lake has a responsibility to protect the health and welfare of its citizens by the control, prevention, and abatement of noise;
- (e) All resident and business within the City are entitled to a peaceful and quiet environment without the intrusion of noise which may be hazardous to their health or welfare;
- (f) It is the policy of the City to provide an environment for all residents and businesses free from noise that jeopardizes health or welfare;

**WHEREAS**, it is the purpose of this Ordinance to establish a means for effective regulation of noise that balances commerce, industry, recreation, and entertainment with the rights of residents to a peaceful and quiet environment;

**WHEREAS**, pursuant to timely notice pursuant to Section 17.28.010 of the Blue Lake Municipal Code, the Planning Commission of the City of Blue Lake held public hearings to study and develop reasonable noise regulations within the City of Blue Lake at which hearings members of the public were invited to provide input;

**WHEREAS**, pursuant to Resolution No. 5-2020 adopted by the Planning Commission on August

24, 2020, the Planning Commission submitted its written recommendations to the City Council;

WHEREAS, pursuant to timely notice pursuant to Section 17.28.010(J) of the Blue Lake Municipal Code, the City Council held a public hearing on February 9, 2021, to consider approving, modifying, or disapproving the recommendation of the Planning Commission;

WHEREAS, the City Council has approved, with minor modification previously considered by the Planning Commission, the recommendation of the Planning Commission, as herein after set forth; and

WHEREAS, the City Council finds that the regulations set forth below are consistent with the General Plan of the City of Blue Lake and are reasonable.

**NOW THEREFORE, the City Council of the City of Blue Lake does ordain as follows:**

**Section 1. Code Amendment.** Section 17.24.280 is hereby added to Chapter 17.24 of Title 17 of the Blue Lake Municipal Code as set forth in Exhibit “1” to this Ordinance as if set forth in full herein.

**Section 2. Code Amendment.** Section 17.16.061 of Chapter 17.16 of Title 17 of the Blue Lake Municipal Code is hereby amended by deleting the following text of sub-section “E”, sub-subsection “4” of Section 17.16.061:

4. Noise. Levels of noise generated on site shall be kept below the following levels, as measured at the property lines of the activity. An exception is allowed to uses allowed with application under a special event permit.

7:00 a.m.—10:00 p.m.: 65 dBA and 55 dBA Ldn.

10:00 p.m.—7:00 a.m.: 55 dBA and 55 dBA Ldn.

And replacing said text with the following:

4. Noise. No use, activity, or process shall generate noise in excess of the noise level standards in Section 17.24.280(C)(3). New uses that are estimated to exceed the noise level standards in Section 17.24.280(C)(3) shall be required to incorporate noise mitigation measures into the project design to ensure compliance with the noise level standards in Section 17.24.280(C)(3). Existing uses that are determined to exceed the noise level standards in 17.24.280(C)(3) shall be required to implement effective noise mitigation measures to achieve compliance with Section 17.24.280(C)(3).

**Section 3. Code Amendment.** Section 17.16.070 of Chapter 17.16 of Title 17 of the Blue Lake Municipal Code is hereby amended by deleting the following provision of sub-section “D”, sub-subsection “4” of Section 17.16.070:

4. Noise. Any use that produces a sound level of 55 dBA-Ldn or more at the property line of any residential dwelling is required to mitigate the sound to a level of less than 55 dBA-Ldn at the property line of that residential dwelling. No sound level greater than 70 dBA is allowed beyond the property boundary of a business, except that no noise over 55 dBA is allowed between the hours of 10:00 p.m. and 7:00 a.m.

And replacing said text with the following:

4. Noise. No use, activity, or process shall generate noise in excess of the noise level standards in Section 17.24.280(C)(3). New uses that are estimated to exceed the noise level standards in Section 17.24.280(C)(3) shall be required to incorporate noise mitigation measures into the project design to ensure compliance with the noise level standards in Section 17.24.280(C)(3). Existing uses that are determined to exceed the noise level standards in 17.24.280(C)(3) shall be required to implement effective noise mitigation measures to achieve compliance with Section 17.24.280(C)(3).

**Section 4. Code Amendment.** Section 17.16.071 of Chapter 17.16 of Title 17 of the Blue Lake Municipal Code is hereby amended by deleting the following provision of sub-section “D”, sub-subsection “4” of Section 17.16.071:

4. Noise. Any use that produces a sound level of 55 dBA-Ldn or more at the property line of any residential dwelling is required to mitigate the sound to a level of less than 55 dBA-Ldn at the property line of that residential dwelling. No sound level greater than 70 dBA is allowed beyond the property boundary of a business, except that no noise over 55 dBA is allowed between the hours of 10:00 p.m. and 7:00 a.m.

And replacing said text with the following:

4. Noise. No use, activity, or process shall generate noise in excess of the noise level standards in Section 17.24.280(C)(3). New uses that are estimated to exceed the noise level standards in Section 17.24.280(C)(3) shall be required to incorporate noise mitigation measures into the project design to ensure compliance with the noise level standards in Section 17.24.280(C)(3). Existing uses that are determined to exceed the noise level standards in 17.24.280(C)(3) shall be required to implement effective noise mitigation measures to achieve compliance with Section 17.24.280(C)(3).

**Section 5. Code Amendment.** Section 17.16.110 of Chapter 17.16 of Title 17 of the Blue Lake Municipal Code is hereby amended by deleting the following provision of sub-section “F”, sub-subsection “4” of Section 17.16.110:

4. Noise. Levels of noise generated on site shall be kept below the following levels, as measured at the property lines of the activity:

7:00 a.m.—10:00 p.m.: 65 dBA.

10:00 p.m.—7:00 a.m.: 55 dBA.

And replacing said text with the following:

4. Noise. No use, activity, or process shall generate noise in excess of the noise level standards in Section 17.24.280(C)(3). New uses that are estimated to exceed the noise level standards in Section 17.24.280(C)(3) shall be required to incorporate noise mitigation measures into the project design to ensure compliance with the noise level standards in Section 17.24.280(C)(3). Existing uses that are determined to exceed the noise level standards in 17.24.280(C)(3) shall be required to implement effective noise mitigation measures to achieve compliance with Section 17.24.280(C)(3).

**Section 6. Submission to California Office of Noise Control.** The City Clerk shall cause a certified copy of this Ordinance to be submitted to the California Office of Noise Control in accordance with Health and Safety Code section 46062 upon its adoption.

**Section 7. Severability.** If any subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**Section 8. CEQA.** This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the City's duly adopted CEQA Guidelines allowing for minor alterations in land use limitations and Section 15308 of the City's duly adopted CEQA Guidelines allowing actions by regulatory agencies for protection of the environment.

**Section 9. Effective Date.** The effective date of this ordinance is thirty (30) days after its adoption by the City Council.

**INTRODUCED AND FIRST READING PERFORMED** on the 27th day of April, 2021 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

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Mayor

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**SECOND READING PERFORMED AND ADOPTED** on the 11th day of May, 2021 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

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Mayor

## Exhibit “1”

### 17.24.280 Noise Standards.

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The purpose of this section is to provide standards for noise that are intended to protect the community health, safety, and general welfare by limiting exposure to the unhealthful effects of noise.

- A. Applicability. No use, activity, or process shall exceed the maximum allowable noise levels established by this section except for the following noise sources:
1. Activity conducted for public health and safety purposes which may include noise generated by construction, maintenance, and/or repair activities by public agencies and/or utility companies that serve the public interest and/or protect the public health, safety, and welfare.
  2. Emergency operations which may include noise generated by public safety warning devices (e.g., police, fire, and ambulance sirens), sound for alerting the public to the existence of an emergency (e.g., fire, flood, dam failure, etc.), and authorized emergency work needed to protect public health and safety.
  3. Solid waste collection noise generated by solid waste collection activities conducted by the City’s contracted waste collection provider between the hours of 7 a.m. and 7 p.m.
  4. State or Federal preempted activities.
  5. Authorized activities at parks. Noise generated outside of community quiet hours by authorized recreational activities and programs conducted in parks owned and operated by a public entity.
  6. Outdoor events. Noise generated outside of community quiet hours by outdoor gatherings, public dances, shows and sporting and entertainment events provided said events are conducted pursuant to and in compliance with a discretionary license or permit issued by the City.
  7. Generator use for medical equipment. Noise from generator use during a power outage for medical equipment or other similar life-sustaining devices.
  8. Routine maintenance of property. Noise from routine maintenance of property (e.g., landscaping, repairs, etc.) conducted outside of community quiet hours, defined in Section .
  9. Construction activity. Noise generated by construction activities, when conducted in compliance with the following requirements:



- a. Construction activity shall be limited to the hours of 8 a.m. and 6 p.m., Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
- b. No heavy equipment related construction activities (e.g., demolition, grading, pile-driving, paving, etc.) shall be allowed on Sundays or holidays.
- c. All required permits or other approvals have been issued for the construction.

B. Definitions.

- 1. “Ambient noise level” means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.
- 2. Community Quiet Hours means the following periods of time:
  - a. Each Sunday beginning at 11:00 p.m. to the following Monday at 8:00 a.m.
  - b. Each Monday beginning at 11:00 p.m. to the following Tuesday at 8:00 a.m.
  - c. Each Tuesday beginning at 11:00 p.m. to the following Wednesday at 8:00 a.m.
  - d. Each Wednesday beginning at 11:00 p.m. to the following Thursday at 8:00 a.m.
  - e. Each Thursday beginning at 11:00 p.m. to the following Friday at 8:00 a.m.
  - f. Each Friday beginning at 11:59 p.m. to the following Friday at 9:00 a.m.
  - g. Each Saturday beginning at 11:59 p.m. to the following Sunday at 9:00 a.m.
- 3. “Decibel” or “dB” means a standard unit of acoustic measurement that has a zero-reference of two ten-thousandths (0.0002) microbar.
- 4. “Holiday” means and includes New Year's Day (January 1), Martin Luther King Jr. Day (the third Monday in January), Washington's Birthday (the third Monday in February), Cesar Chavez Day (March 31), Memorial Day (the last Monday in May),

Independence Day (July 4), Labor Day (the first Monday in September), California Admission Day (September 9), Native American Day (the fourth Friday in September), Indigenous People's Day (the second Monday in October), Veteran's Day (November 11), Thanksgiving Day (the fourth Thursday in November), and Christmas Day (December 25).

5. "Impulsive noise" means a noise characterized by brief excursions of sound pressures whose peak levels are very much greater than the ambient noise level, such as might be produced by the impact of a pile driver, punch press or a drop hammer, typically with one second or less duration.
6. "Leq" means the equivalent continuous sound level in decibels, equivalent to the total sound energy measured over a stated period of time.
7. "Noise" means and includes excessive undesirable sound, including that produced by persons, pets and livestock, industrial equipment, construction, motor vehicles, boats, aircraft, home appliances, electric motors, combustion engines, and any other noise-producing objects.
8. "Noise level" means the "A" weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty (20) micropascals. The unit of measurement shall be designated as dBA.
9. "Noise sensitive land uses" include uses such as dwellings, transient lodging, hospitals, extended care, meeting facilities, auditoriums, theaters, libraries, schools, and similar uses.
10. "Sound" means an oscillation in pressure, partial velocity or other physical parameter in a medium with internal forces that cause compression and rarefaction of the medium.
11. "Sound level meter" means an instrument that meets or exceeds American National Standard Institute's Standard S1.4-1971 for Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
12. "Sound pressure level" means a sound pressure level of a sound, in decibels, as defined in ANSI Standards 51.2-1962 and 51.13-1921; that is, twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be 0.0002 dynes per square centimeter.

C. Noise Standards.

1. Unreasonable Noise Prohibited. No person shall allow or cause the generation of any noise of a type, volume, pitch, repetition, or duration that would be found to be a nuisance beyond the boundaries of the property where the noise is generated.

The characteristics and conditions which should be considered in determining whether a violation of this section exists should include, but not be limited to the following:

- a. The level of the noise.
  - b. Whether the nature of the noise is usual or unusual.
  - c. Whether the origin of the noise is natural or unnatural.
  - d. The level of the ambient noise.
  - e. The proximity of the noise to sleeping facilities.
  - f. The nature and zoning of the area from which the noise emanates and the area where it is received.
  - g. The time of day or night the noise occurs.
  - h. The duration of the noise.
  - i. Whether the noise is recurrent, intermittent, or constant.
2. Community Quiet Hours. No loud, disturbing, or unreasonable noise shall be generated during the designated community quiet hours (defined in sub-section (B)(2), above). The following acts, among others, are declared to be loud, disturbing, and unreasonable noises and noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:
- a. Blowing horns or signaling devices. The sounding or blowing of any horn or signal device on any automobile, truck, bus, motorcycle or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.
  - b. Radios, sound systems, musical instruments, etc. The playing of any radio, sound system, or any other musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.

- c. Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets or at any place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.
  - d. Pets. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of persons in the vicinity.
  - e. Use of vehicles. The use of any automobile, truck, bus, motorcycle or other vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
  - f. Use of tools or equipment. The use of any tools or equipment for landscaping, maintenance, repairs, etc. in such a manner as to disturb the comfort or repose of persons in the vicinity.
  - g. Loading and unloading operations. The creations of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
3. Maximum Allowable Noise Level by Receiving Sensitive Land Use. No use, activity, or process within the City shall generate noise in excess of the levels identified in the following table at receiving sensitive land uses.

**Table 1 - Maximum Allowable Noise Level by Receiving Land Use**

Noise Level Descriptor	Maximum Exterior Noise Level			Maximum Interior Noise Level		
	7 am - 7 pm	7 - 10 pm	10 pm - 7 am	7 am - 7 pm	7 - 10 pm	7 - 10 pm
<b>Dwellings, Transient Lodging, Hospitals, Extended Care, and Similar Uses</b>						
Hourly Leq	55 dBA	50 dBA	45 dBA	45 dBA	40 dBA	35 dBA
<b>Meeting Facilities, Auditoriums, Theaters, Libraries, Schools, and Similar Uses</b>						
Hourly Leq	55 dBA	55 dBA	n/a	40 dBA	40 dBA	n/a

- a. Compliance with the exterior noise level standards shall be measured at the property line of a noise sensitive land use receiving the noise. Noise measurement shall be made with a sound level meter using the ‘A’ weighted scale at slow meter response. Fast meter response shall be used only for an impulsive noise.
- b. If the measured ambient noise level exceeds the applicable noise level standard in any category shown in the tables, the applicable standards shall be adjusted to equal the ambient noise level.
- c. If the noise source being evaluated is continuous and cannot reasonably be discontinued or stopped to allow measurement of the ambient noise level, the noise level measured while the source is in operation shall be compared directly to the applicable noise level standards identified in the tables.

4. Standards for New Sensitive Receptors. In elevated noise environments (e.g., near industrial operations or major roadways), new noise sensitive land uses shall be required to conduct exterior and interior noise analysis to ensure future occupants are not subject to noise levels in excess of the standards in Table 1. If it is determined that the noise level standards in Table 1 will be exceeded, effective noise mitigation measures shall be incorporated into the project design. In zones that allow a mixture of residential and commercial or light industrial uses, it is recommended that residential structures be designed to provide an Hourly Leq noise level of 35 dBA in the interior living spaces.
5. Point sources of noise (e.g., compressors, generators, etc.) shall be located within an enclosure or attenuated with another equally effective method.
6. Vehicles and equipment used outdoors on a consistent basis shall not utilize back-up alarms which are audible at any residential property, unless required by CalOSHA or other governmental regulatory agency for the safety of employees or the public. This does not apply to delivery trucks, service vehicles, or equipment that are operated in City limits on an intermittent basis. If required by CalOSHA or other governmental regulatory agency, the required back-up alarm device or approved safety method shall be selected which has the least noise impact on surrounding residential properties and still allows for the reasonable operation of the business. Any business required by CalOSHA to use back-up alarms shall provide documentation to the City of this determination.

D. Waiver of Noise Standards.

1. The City Manager, in coordination with other City staff (e.g., City Planner, Public Works, etc.), may waive the requirements set forth in Sections 17.24.280(A) and 17.24.280(C) for certain short-term, temporary, or intermittent activities upon showing of good cause. Any waiver issued pursuant to this section has no bearing on the requirements of any other regulatory agency. Activities for which a waiver may be issued include, but are not limited to, construction activity, special events conducted outdoors, and indoor music events. The criteria for determining whether good cause exists for such waiver shall include the following:
  - a. Weather limitations.
  - b. Permitting or regulatory limitations imposed by federal, state, or local agencies.
  - c. Timelines imposed by grants or other funding sources.
  - d. Events proposed to occur on holidays that typically involve celebrations (e.g., New Years, Fourth of July, etc.).

- e. Special events (indoors or outdoors) that would only occur once annually.

In no event shall a waiver be issued for activities that would occur between the hours of 2:00 a.m. and 6:00 a.m.

- 2. Prior to a waiver determination being issued by the City Manager, notification shall be provided to all property owners within 300 feet of the proposed activity at least 10 days prior to filing of the waiver determination with the City Clerk. The notification shall also be posted in three public places of the City of Blue Lake, including one public place in the area directly affected by the proposed activity. The notification shall describe the proposed activity, the dates and times that the activity will be conducted, and the reasoning for issuing the waiver determination. The waiver determination action shall be final 10 days following filing with the City Clerk, unless an appeal is taken pursuant to subsection D(3) of this section.

- 3. Appeals. Appeals shall be governed by Section 17.28.050.

- E. Nuisance Declaration. The City Council hereby declares that any use, activity, or process within the City in violation of this Section or hereby declared to be a public nuisance and may be abated in accordance with law.